

OFFICIAL

PTO/SB/21 (08-03)

Approved for use through 08/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>		Application Number	09/698,558
		Filing Date	October 27, 2000
		First Named Inventor	NOEL S. MOEN et al
		Art Unit	3725
		Examiner Name	Mark Rosenbaum
Total Number of Pages in This Submission	9	Attorney Docket Number	Case 6103

RECEIVED
CENTRAL FAX CENTER
JAN 20 2004

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Eric March, Patent Dept. The Babcock & Wilcox Company 20 S. Van Buren Ave, Barberton, OH 44203
Signature	
Date	January 20, 2004

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Eric March		
Signature		Date	January 20, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

JAN 20 2004

CERTIFICATE OF MAILING I hereby certify that this correspondence is being transmitted via facsimile to telephone number 703-872-9302, Art Unit 3725, the United States Patent & Trademark Office, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450 on January 20, 2004. By:  Eric Marich Dated: January 20, 2004	Patent Attorney Docket No.: Case 6103 OFFICIAL
---	---

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of) IMPROVEMENTS IN
 NOEL S. MOEN ET AL.) EL TYPE PULVERIZERS
 Filed: October 27, 2000)
 Serial No.: 09/698,558) Confirmation No.: 5059
 Art Unit: 3725)
 Examiner: Mark Rosenbaum) Attorney Docket No.: Case 6103

Mail Stop Non-Fee Amendment
Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

AMENDMENT IN RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

The Office Action mailed December 17, 2003 indicated that Applicants' Amendment filed on December 1, 2003 was non-compliant because it failed to meet the requirements of 37 CFR §1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003), and required correction. In particular, the Office Action indicated that Applicants' amendments to the specification did not include amended paragraphs with markings. However, the Office Action indicated that only the section (§1.121(h)) of the Amendment document containing the omission or non-compliant provision must be resubmitted (in its entirety).

**AMENDMENT IN RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT
Patent Application Serial No. 09/698,558
Reply to Office Action Mailed December 17, 2003
Art Unit: 3725**

Attorney Docket No.: Case 6103

The Office Action also indicated that if the non-compliant Amendment was a reply to a NON-FINAL OFFICE ACTION, since the Amendment appears to be a *bona fide* attempt to reply (37 CFR §1.135(c)), Applicants were given a TIME PERIOD of ONE MONTH from the mailing date of the notice within which to re-submit the corrected section which complies with 37 CFR §1.121 in order to avoid abandonment, and further indicated that extensions of this time period are available under 37 CFR §1.136(a).

It is believed that no extensions of time are required for the present submission but if any are required, the Commissioner is hereby authorized to charge any fees for same, or to credit any overpayment thereof, to Deposit Account No. 50-1813 as set forth in the enclosed Transmittal. Since the TIME PERIOD of ONE MONTH from the mailing date of the notice is to and including Saturday, January 17, 2004, and the following Monday, January 19, 2004 is Martin Luther King, Jr.'s birthday, a Federal holiday within the District of Columbia, Applicants may timely respond on the following Tuesday, namely January 20, 2004.

In response to the Office Actions mailed July 29, 2003 and December 17, 2003, please amend the above-identified patent application as follows:

**AMENDMENT IN RESPONSE TO
NOTICE OF NON-COMPLIANT AMENDMENT
Patent Application Serial No. 09/698,558
Reply to Office Action Mailed December 17, 2003
Art Unit: 3725**

Attorney Docket No.: Case 6103

Amendments to the Specification begin on page 4 of this paper.

Remarks begin on page 8 of this paper.